IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOs : 14041 of 2004, 14057 of 2004 and 14065 of 2004.

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1.W.P.NO.14041 OF 2004

Between:

R. Venkateswarlu, S/o Laxmaiah, aged about 44 yrs,
Satyam Veedhi, Main Road, Suryapet, Nalgonda District,
Licencee of M/s Kamakshi Wines No.1.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Nampally,Hyderabad.

2 The Prohibition and Excise Superintendent, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in demanding to pay an amount of Rs. 59,000/- towards transfer fee for the excise year 1998-99 vide proceedings Cr.No. C3/759/2000 dated 26-6-2003 as illegal arbitrary and consequently direct the respondents to extend/renew the IL 24 licence of the petitioner for the period from 1-8-2004 to 30-9-2004 without insisting for payment of the demanded amount.

2.W. P. NO : 14057 of 2004

Between:

P. Naresh S/o Madan Mohan Pillai ,aged 36 yrs
Sri Sai Nagar Suryapet, Nalgonda District Licencee of M/s. Balaji Wines

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Andhra Pradesh, Nampally Hyderabad

2 The Prohibition and excise Superintendent Nalgonda

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondents in demanding to pay transfer fee for the excise year 1998-99 and 1999-2000 vide proceedings in Cr. o. C3/924/1998 dated 26-6-2003 and Cr. No. C3/981/2000 dated 26-6-2003 demanding me to pay an amount of Rs. 60.000/- and Rs. 71,000/- respectively towards transfer fee for the excise year 1998-99 and 1999-2000 as illegal arbitrary and consequently direct the respondents to extend/renew the IL 24 Licence of the petitioner for the period from 1-8-2004 to 30-9-2004 without insisting for payment of the demanded amount.

3.W. P. NO : 14065 of 2004

Between:

B.Nagaiah, s/o Sydulu, aged 44 yrs
Khammam X Roads, Suryapet, Nalgonda District,
Licencee of M/s.Kamakshi Wines No.2

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Nampally, Hyderabad.

2 The Prohibition and Excise Superintendent, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in demanding to pay an amount of Rs.59,000/- towards transfer fee for the excise year 1998-99 vide proceedings Cr.No.C3/760/2000 dated 26-6-2003 as illegal, arbitrary and consequently direct the respondents to extend/renew the IL 24 licence of the petitioner for the period from 1-8-2004 to 30-9-2004 without insisting for payment of the demanded amount.

Counsel for the Petitioner (In all the cases): MR.A.JAGANNATHA RAO

Counsel for the Respondents (In all the cases): GP FOR PROHIBITION & EXCISE

The Court made the following:

COMMON ORDER

In all these Writ Petitions, the only question involved is whether the inclusion of the parties at latest stage i.e., subsequent to licence would amount to transfer of licence. The said question is no longer *res integra.* This Court dismissed the earlier Writ Petition under similar circumstances in W.P.No.1531 of 2003, dated 24-06-2004 and against which an appeal inW.A.No.1104 of 2004 was filed and the same was also dismissed on 27-07-2004 by the Division Bench of this Court holding that such inclusion would amount to transfer of licence.

In view of the same, I do not find any merits in these Writ Petitions. Accordingly, the Writ Petitions are dismissed. No costs.

24-01-2005.

Hsd

Asst. Registrar

To

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Nampally,Hyderabad.

2 The Prohibition and Excise Superintendent, Nalgonda.

3. 2 C.Cs to G.P. for Probhition and Excise, High Court Buildings, Hyderabad (OUT)

4. 2 C.D.copies.